

## Remarks

The Office Action of May 14, 2008 has been carefully considered. Claims 1 – 19 are currently pending.

### Claim Rejections - 35 U.S.C. § 112

Claims 1 - 19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the phrase "softening temperature" is identified as indefinite. This rejection is traversed.

As noted in the Office Action the phrase softening temperature is defined in the specification. The definition provided has sufficient clarity to those skilled in the art to be definite. The Office Action's rejection is seemingly based on the position that the term "amorphous" is indefinite because there are no techniques sensitive enough to prove whether something is amorphous or not. The Applicants submit that those skilled in the art can determine whether a material is amorphous and note that "amorphous" is a term in at least one claim of over 25,800 patents. Further, the Office Action provides no authority for the determination that an amorphous material cannot be known.

The term "based on" is rejected in at least Claim 1 as being unclear as to whether it means that K is composed solely of C or merely that some C must be present. The Applicants submit that it means that some C must be present. For support of this interpretation, the Applicants cite to the specification that indicates "at its most simple, component K1 may consist solely of the block copolymers C1 and/or K2

may consist solely of the block copolymers C2. See paragraph 24. This disclosure clearly contemplates the possibility that the K is not solely C.

### **Double Patenting Rejection**

Claims 1 – 19 of are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 35 of U.S. Patent No. 6,703,441. Claims 1 - 19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 -15 of U.S. Patent No. 7,067,581. Claims 1 - 19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 -25 of U.S. Patent No. 6,723,407.

Claims 1 - 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 -11 over co-pending Application No. 10/537,469.

Terminal disclaimers in compliance with 37 C.F.R. 1.321 are filed with this response.

### **Claim Rejections - 35 U.S.C. § 103(a)**

Claims 1 - 19 are rejected under 35 U.S.C. § 103(a) as being upatentable over Fukuoka et al (JP 10-025460). This rejection is traversed.

The Office Action indicates that Fukuoka et al. does not disclose a composition with all of the claimed features. The Applicants submit that one of ordinary skill in the art would arrive at the claimed invention by selecting the various features of Fukuoka et

al. The claimed invention provides superior results to the compositions taught in Fukuoka. The present specification specifically compares the use of a triblock copolymer alone and a triblock copolymer with the addition of the inverse triblock copolymer. As indicated in the specification: "From examples 1-5 it has been demonstrated that as a result of the addition of the inverse triblock copolymers P(B)-P(A)-P(B) an increase in the bond strength was obtained in all cases. Moreover, the adhesive retained its good cohesion in all cases. See Specification at p. 30, lines 8-10 and Table 1 and 2.

There is nothing in the prior art or Fukuoka that would suggest to one skilled in the art that combining the components of the claimed invention would result in superior results. There is no reason why one skilled in the art would go through the extra trouble of combining the inverse triblock copolymer with the expectation of achieving these superior results. Accordingly removal of the rejection is respectfully requested.

Claims 1 - 12 and 15 - 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peffley et al (U.S. 6,093410). Again, the Office Action indicates that Peffley et al. does not disclose a composition with all of the claimed features. For the reasons discussed above with regard to Peffley, This rejection is traversed.

Specifically, The claimed invention provides superior results to the compositions taught in Peffley. The present specification specifically compares the use of a triblock copolymer alone and a triblock copolymer with the addition of the inverse triblock copolymer. As indicated in the specification: "From examples 1-5 it has been demonstrated that as a result of the addition of the inverse triblock copolymers P(B)-

P(A)-P(B) an increase in the bond strength was obtained in all cases. Moreover, the adhesive retained its good cohesion in all cases. See Specification at p. 30, lines 8-10 and Table 1 and 2.

There is nothing in the prior art or Peffley that would suggest to one skilled in the art that combining the components of the claimed invention would result in superior results. There is no reason why one skilled in the art would go through the extra trouble of combining the inverse triblock copolymer with the expectation of achieving these superior results. Accordingly removal of the rejection is respectfully requested.

Claims 1 - 12 and 15 - 19 are rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being upatentable over Kengly (WO 00/12645). This rejection is traversed.

In contrast to the invention as claimed, Kengly discloses an ABAD tetra block copolymer and ABA triblock copolymer. Therefore, the combination of a tetra block copolymer and triblock copolymer does not disclose all the features of the claimed invention. Accordingly, the reference does not anticipate the currently pending claims.

Additionally, the Kengly discloses this combination as optional. Kengly specifically contemplates using the ABAD copolymer and the ABA copolymer alone. Specifically, Kengly teaches a linear block copolymer of the formula of ABAD and/or ABA. Clearly the reference does not recognize the importance of a mixture between the triblock copolymer and its inverse triblock copolymer wherein the combination provides unexpected results as discussed with regard to the previous references. Accordingly, removal of the rejection is respectfully requested.

### Conclusion

The instant application is believed to be in condition for allowance. A Notice of Allowance of Claims 1 - 19 is respectfully requested. The Examiner is invited to telephone the undersigned at (908) 722-0700 if it is believed that further discussions, and/or additional amendment would help advance the prosecution of the instant application.

If any extension of time for this response is required, applicants request that this be considered a petition therefore. Please charge any required petition fee to Deposit Account No. 14-1263.

Respectfully submitted,

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